

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WARREN ZINNAMON, *on behalf of himself and all
others similarly situated*,

Plaintiff,

-v-

MODA XPRESS, INC.,

Defendant.

22 Civ. 5914 (PAE) (VF)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court having been advised that all claims asserted herein have been settled in principle, Dkt. 8, it is ORDERED that the above-entitled action is hereby dismissed and discontinued without costs, and without prejudice to the right to reopen the action within 60 days of the date of this Order if the settlement is not consummated.

To be clear, any application to reopen must be filed within 60 days of this Order; any application to reopen filed thereafter may be denied solely on that basis. Further, if the parties wish for the Court to retain jurisdiction for the purposes of enforcing any settlement agreement, they must submit the settlement agreement to the Court within the same 60-day period to be “so ordered” by the Court. Per Paragraph 4(C) of the Court’s Individual Rules and Practices for Civil Cases, unless the Court orders otherwise, the Court will not retain jurisdiction to enforce a settlement agreement unless it is made part of the public record. Any proposed order approving the settlement agreement that seeks the Court’s continued jurisdiction should either (1) expressly state that the Court retains jurisdiction to enforce the agreement or (2) incorporate the terms of the settlement agreement in the order.

The Clerk of Court is respectfully directed to close this case.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: December 7, 2022
New York, New York